

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIKA MUSSER, et. al.,
Plaintiffs,
v.
CALIFORNIA DAIRIES, INC., et. al.,
Defendants.

No. 1:20-cv-00899-AWI-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANTS UNITED
DAIRY MEN OF ARIZONA AND KEITH
MURFIELD

(Doc. 23)

On February 4, 2021, Plaintiffs Erika Musser and Brooke Bennett and Defendants United Dairymen of Arizona and Keith Murfield (collectively referred to as “the parties”) filed a Stipulation to Dismiss With Prejudice All Claims Against Defendants United Dairymen of Arizona and Keith Murfield, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 23.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111

1 F.3d 688, 692 (9th Cir. 1997).

2 Because the parties filed a stipulation of dismissal with prejudice under Rule
3 41(a)(1)(A)(ii), this case has automatically terminated as to Defendants United Dairymen of
4 Arizona and Keith Murfield. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of the Court is
5 directed to TERMINATE Defendants United Dairymen of Arizona and Keith Murfield.

6 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining
7 defendant.

8
9 IT IS SO ORDERED.

10 Dated: **February 5, 2021**

/s/ *Sheila K. Oberto*
UNITED STATES MAGISTRATE JUDGE